

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 676

Short Title: Amend Compensation for Erroneous Conviction. (Public)

Sponsors: Representatives Glazier and Daughtry (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I, if favorable, Appropriations.

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING COMPENSATION FOR AN ERRONEOUS
CONVICTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 148-82 reads as rewritten:

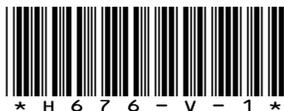
"§ 148-82. **Provision for compensation.**

(a) Any person who, having been convicted of a felony and having been imprisoned therefor in a State prison of this State, and who was thereafter or who shall hereafter be granted a pardon of innocence by the Governor upon the grounds that the crime with which the person was charged either was not committed at all or was not committed by that person, may as hereinafter provided present by petition a claim against the State for the pecuniary loss sustained by the person through his or her erroneous conviction and imprisonment, provided the petition is presented within five years of the granting of the pardon.

(b) Any person who, having been convicted of a felony ~~after pleading not guilty or nolo contendere~~ and having been imprisoned therefor in a State prison of this State, and who is determined to be innocent of all charges and against whom the charges are dismissed pursuant to G.S. 15A-1469 may as hereinafter provided present by petition a claim against the State for the pecuniary loss sustained by the person through his or her erroneous conviction and imprisonment, provided the petition is presented within five years of the date that the dismissal of the charges is entered by the three-judge panel under G.S. 15A-1469.

(c) Any person who, having been convicted of a felony and having been imprisoned therefor in a State prison of this State, and who is determined to be innocent of all charges and against whom the charges are dismissed pursuant to G.S. 15A-1417(a)(2) or G.S. 15A-1420(e) may as hereinafter provided present by petition a claim against the State for the pecuniary loss sustained by the person through his or her erroneous conviction and imprisonment, provided the petition is presented within five years of the date that the dismissal of the charges is entered on the basis of innocence."

SECTION 2. This act is effective when it becomes law.



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